



# PUBLIC NOTICE

**File Number: NRS 14.055**

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Pursuant to Chapter 0400-4-7 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit and §401 Water Quality Certification. This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

**APPLICANT:** B.A. Issa  
B.A. Issa Development, Inc.  
7015 Shallowford Road  
Chattanooga, TN 37421

**LOCATION:** The project is located on the Smokey Bones Restaurant property at the corner of Gunbarrel Road and Commons Blvd. in Chattanooga, Hamilton County, Tennessee; Lat 35.037557; Long -85.152528

**PROJECT DESCRIPTION:** The proposed project will consist of the encapsulation of 210 linear feet of an unnamed tributary to Friar Branch for the expansion of restaurant parking facilities. The applicant proposes to utilize bottomless culverts.

As compensatory mitigation for these impacts the applicant proposes 819 linear feet of stream mitigation in the HUC 12 at two sites on Friar Branch. The Shallowford Road Retirement property is upstream of the proposed impact and will consist of the 419 feet of new Rosgen channel. The other site is downstream behind Logan's Restaurant. Approximately 400 linear feet of channel will be enhanced with bank stabilization, installation of rock (4-10 inch size) riffles, rick vanes, planting of alder cuttings along the banks and trees off the upper banks all within a 50-foot easement.

The goal of both projects shall be to create/ restore habitat for the state endangered Chickamauga crayfish, *Cambarus (Puncticambarus) extraneus*.

**DEGRADATION:** In accordance with the Tennessee Antidegradation Statement (Rule 0400-40-03-.06), the division has determined that the proposed activities will result in de-minimis degradation to water quality.

**WATERSHED / WATERBODY DESCRIPTION:** The proposed project lies within the Lower Tennessee Basin, Nickajack/Chickamauga watershed (HUC 06020001) watershed. More information can be found at <http://www.state.tn.us/environment/nickajack/chickamaugawatersheds/.shtml> .

Stream Name / ID #: Friar Branch TN06020001007-0100

Ecoregion: southern limestone/dolomite valleys and low rolling hills 67f  
Stream Dimension: n/a

Substrate:	rock, gravel, silt	
Designated Use	Use Support	Causes
Fish and aquatic life	not supporting	physical substrate habitat alterations,
Recreation	not supporting	sedimentation/siltation
Irrigation	fully supporting	
Livestock watering & wildlife	fully supporting	

Stream Name / ID #: unnamed tributary to Friar Branch TN06020001007-0120  
Ecoregion: southern limestone/dolomite valleys and low rolling hills 67f  
Stream Dimension: Channel bottom width- 7-9 feet  
Chanel top width – 11-16 feet  
Water depth- less than 1-foot  
Bank height – 6-9 feet

Substrate:	rock, gravel, silt
Designated Use	Use Support
Fish and aquatic life	not assessed
Recreation	not assessed
Irrigation	not assessed
Livestock watering & wildlife	not assessed

Friar Branch and the unnamed tributary are both unavailable and exceptional Tennessee Waters.

**PERMIT COORDINATOR:** Mike Lee

**FACTORS CONSIDERED:** In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

**COMMENTING:** Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the department's address listed below and to the attention of the permit coordinator.

**PUBLIC HEARING:** Interested persons may request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing. Send all public hearing request to the department's address listed below and to the attention of the permit coordinator.

**APPEAL:** A permit appeal may be filed, pursuant to T.C.A. §§ 69-3-105(i) and Rule 0400-40-05, by the permit applicant or by any aggrieved person who participated in the public comment period announced by this notice. This petition must be filed within THIRTY (30) DAYS after public notice of the issuance of the permit. The petition must specify what provisions are being appealed and the basis for the appeal. It should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas at the following address: Tisha Calabrese Benton, Director, Division of Water Resources, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Ave, 11<sup>th</sup> floor, Nashville, TN 37243. Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.

**FILE REVIEW:** The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address (listed below) for review and/or copying.

Tennessee Department of Environment & Conservation  
Division of Water Resources, Natural Resources Unit  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 11th Floor  
Nashville, Tennessee 37243